IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF OKLAHOMA

AARL HOEPPNER, as Special Administrator of the Estate of MICHAEL JAMES HOEPPNER, deceased,)))
Plaintiff,)
v.) Case No.: 20-CV-299-EFM
TONY HEAD, in his official capacity as Sheriff of Atoka County, Oklahoma, et al.,)))
Defendants.)

JOINT NOTICE REGARDING SETTLEMENT

COME NOW the Plaintiff, Karl Hoeppner ("Plaintiff"), as Special Administrator of the Estate of Michael James Hoeppner, deceased, and Defendant Tony Head, in his Official Capacity of Sheriff of Atoka County, Oklahoma ("Defendant") (hereinafter, collectively referred to as the "Parties") and jointly notify the Court, of the following:

- 1. The case-at-bar between the Parties is currently set for trial beginning on April 15, 2024.
- 2. With the exception of Defendant, all other former Defendants have already been dismissed by this Court.
- 3. On the evening of April 10, 2024, the Parties reached a settlement of this case, agreeing to the substantive and material terms.
- 4. The Court and the Parties held a telephone conference on the morning of April 12, 2024, in which the Parties were ordered to provide a Joint Notice to the Court regarding the settlement of this case.
- 5. The Parties assert that, because of their out of court settlement, the April 15 trial setting is no longer needed and should be stricken.

- 6. Nonetheless, for the reasons described below, some additional time is required to effectuate and finalize the settlement.
- 7. Because the nature of the settlement that requires a payment via three equal annual installments pursuant to 62 Okla. Stat. § 365.5, the Parties are required to memorialize the settlement in the form of a Journal Entry of Judgment upon Agreed Settlement, to be prepared by the Parties and approved by the Court.
 - 8. The total settlement amount agreed to by the Parties is \$3.2 million.
- 9. Under the terms agreed to by the Parties, a portion of that total settlement amount will be paid by the Association of County Commissioners of Oklahoma Self-Insured Group ("ACCO-SIG") under a certain Liability Coverage Agreement ("Coverage Agreement"). ACCO-SIG has agreed to pay the balance under the Coverage Agreement. However, the ACCO-SIG Liability Coverage Agreement is a "reducing" agreement. In other words, the limit available to Plaintiff -- under the Coverage Agreement -- is reduced by the attorney fees, costs and expenses incurred by Defendant.
- 10. Defendant reports that at this time, the final precise amount of the reducing limit under the Coverage Agreement -- is unknown due to outstanding and incomplete billing. Once the outstanding billing is complete, an accounting will be done, and the exact amount that ACCO-SIG will pay toward the settlement will be finalized.
- 11. Also, under the terms agreed to by the Parties, Atoka County, through the Board of County Commissioners, will pay the remainder of the total settlement amount exceeding the final policy limit sum to be paid by ACCO-SIG. This portion of the settlement is to be reduced to an agreed judgment and paid by Atoka County in accordance with the procedure set out in 62 Okla. Stat. § 365.5. However, until the final sum to be paid by ACCO-SIG -- under the Coverage Agreement -- is known, the precise remaining amount of the settlement to be paid by Atoka

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County -- pursuant to 62 Okla. Stat. § 365.5 -- is also unknown.

- 12. Defendant believes that the preparation and receipt of bills and invoices -- and the subsequent accounting -- needed to determine the final and exact amounts of the settlement total to be paid by ACCO-SIG and Atoka County, respectively, will take no more than thirty (30) days.
- 13. Thus, the Parties will be prepared to submit an Agreed Judgment, as described herein, to the Court within next thirty (30) days.

Respectfully submitted,

s/Robert M. Blakemore	s/Andy A. Artus
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